

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

PATRICK LEO SHORTY,

DOB: 10/2/1969

APSIN ID: 6416632

DMV NO. 6416632

SSN: 574-46-1010

ATN: 108-567-693

Defendant.

FILED IN OPEN COURT
7.27.03 DW

Case No. 3AN-S03-7796 CR

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE

Count I - AS 11.41.410(a)(1), AS 11.16.110(2)(B)
Sexual Assault In The First Degree
Patrick Leo Shorty - 001

Count II - AS 11.41.410(a)(1), AS 11.16.110(2)(B)
Sexual Assault In The First Degree
Patrick Leo Shorty - 002

Count III - AS 11.56.700(a)(1)
Resisting Or Interfering With Arrest
Patrick Leo Shorty - 005

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Count IV - AS 11.41.230(a)(1)
Assault In The Fourth Degree
Patrick Leo Shorty - 006

Count V - AS 11.56.800(a)(1)
Providing False Information To A Peace Officer
Patrick Leo Shorty - 003

THE DISTRICT ATTORNEY CHARGES:

Count I

That on or about July 8, 2003, at or near Anchorage in the Third Judicial District, State of Alaska, PATRICK LEO SHORTY engaged in sexual penetration, penis to vagina, with B.A. without the consent of B.A.

All of which is an unclassified felony offense being contrary to and in violation of AS 11.41.410(a)(1), AS 11.16.110(2)(B), and against the peace and dignity of the State of Alaska.

Count II

That on or about July 8, 2003, at or near Anchorage in the Third Judicial District, State of Alaska, PATRICK LEO SHORTY engaged in sexual penetration, penis to vagina, with B.A. without the consent of B.A.

All of which is an unclassified felony offense being contrary to and in violation of AS 11.41.410(a)(1), AS 11.16.110(2)(B), and against the peace and dignity of the State of Alaska.

Count III

That on or about July 8, 2003, at or near Anchorage in the Third Judicial District, State of Alaska, PATRICK LEO SHORTY knowing that a peace officer is making an arrest, with the intent of preventing the officer from making the arrest, resisted personal arrest or interfered with the arrest of another by force.

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3 All of which is a class A misdemeanor offense being contrary to and in
4 violation of AS 11.56.700(a)(1) and against the peace and dignity of the State of
5 Alaska.

6 **Count IV**

7 That on or about July 8, 2003, at or near Anchorage in the Third Judicial
8 District, State of Alaska, PATRICK LEO SHORTY recklessly caused physical injury
9 to another person, Officer Cottle.

10 All of which is a class A misdemeanor offense being contrary to and in
11 violation of AS 11.41.230(a)(1) and against the peace and dignity of the State of
12 Alaska.

13 **Count V**

14 That on or about July 8, 2003, at or near Anchorage in the Third Judicial
15 District, State of Alaska, PATRICK LEO SHORTY knowingly gave false information
16 to a peace officer with the intent of implicating another in an offense.

17 All of which is a class A misdemeanor offense being contrary to and in
18 violation of AS 11.56.800(a)(1) and against the peace and dignity of the State of
19 Alaska.

20 The undersigned swears under oath this Information is based upon a
21 review of police report 03-36257 submitted to date.

22 On July 8, 2003 at about 8:50 p.m. Officer Torres was near the
23 intersection of 13th and Cordova in his police car when B.A. approached his vehicle
24 crying hysterically. B.A. told Officer Torres that three men had raped her and pointed
25 to the three men as they ran east on 13th avenue past Cordova. Officer Torres saw that
26 each of the three men were wearing a gray shirt, a black shirt and a white shirt
respectively. Officer Torres had B.A. get in his car and the three men split up. Officer
Torres followed and detained the defendant who was wearing a gray shirt. B.A.
identified the defendant as one of the three men who had sexually assaulted her.

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3 B.A. told police during a subsequent interview that she had been at the
4 Bus Transit Center at 6th and H streets waiting for an 8:45 p.m. bus so she could go
5 home. She was approached by three males. B.A. described two of the males as native.
6 They asked her to walk with them and she decided to go with them reasoning that she
7 would be able to catch a bus at any one of the many bus stops along the route they
8 would be walking. When they reached the area of a field near 15th avenue, one of the
9 native males pushed her to the ground. The first native male told her she was stupid
10 for getting herself into the situation. The second native male told her to be quiet. B.A.
11 said she struggled and yelled and the male who pushed her down was punching her in
12 the face. B.A. said she was afraid she would lose consciousness, so she stopped
13 resisting. The first male then removed B.A.'s pants and underwear and pulled his own
14 pants down and penetrated B.A. vaginally with his penis. B.A. said the first male did
15 not wear a condom. The second native male continued to tell her to be quiet and the
16 third male acted as a lookout. B.A. said the first native male stopped after he
17 ejaculated and got off of her.

18 B.A. said the second native man then got on top of her and penetrated
19 her vaginally with his penis. B.A. did not believe the second male wore a condom
20 either. B.A. said one of the males said that he saw a cop. The second native man then
21 got off of B.A. and took her backpack and started to leave the area. B.A. said she
22 yelled at them not to take her back pack and for some reason they dropped it.

23 B.A. said she then saw Officer Torres' police car and waived him down
24 to stop him and reported the rape pointing to the three men who had just assaulted her.
25 B.A. remained with Officer Torres while he caught one of the three men who she
26 pointed out.

Police detectives interviewed the defendant after he was advised of and
waived his Miranda rights. Leichty appeared to have been drinking and had the odor
of alcohol about his person when interviewed. Leichty said he had been drinking and

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3 that he had blacked out. He said at times to the officers that he did not do anything to
4 the victim but that it was possible that he participated in the sexual assault. He
5 admitted drinking earlier at the 515 Club. Leichty said that he was with two friends
6 when they met a white female who was younger than Leichty by the Bus Center
7 downtown. They talked to the female and asked her to walk with them. While they
8 were walking, Leichty said his friend whom he identified as Shorty told Leichty that
9 he (Shorty) wanted to have sex with the female. Leichty said that Shorty only said this
10 to himself and not the third male.

11 Leichty said that Shorty and the other male took the female aside and
12 Shorty pushed her to the ground and punched her in the face. Leichty said short told
13 the female to be quiet and told the female he would kill her. Leichty said that the
14 female started screaming when Shorty pulled off her underwear. Leichty said Shorty
15 raped the female and the female quit fighting back. Leichty said it was clear that the
16 female did not want sex to happen. Leichty said during the sex, someone said
17 something about cops and they got scared and fled. Leichty said it was possible that
18 he had sex with the female but he was unsure because he was partially blacked out.

19 During the investigation, officers located B.A.'s underwear in the field
20 after she assisted in identifying where she had been raped.

21 Officers observed a wet area on the front of Leichty's shirt in an area
22 that was proximate to his genitals when Leichty was standing.

23 On or about July 26, 2003 at approximately 5:27 p.m. officers from the
24 Anchorage Police Department received information that a suspect in a rape case was
25 seen in the area of 10th and Ingra. Upon arrival the officers observed a male
26 individual matching the description of Patrick Shorty who was wanted in connection
with a rape that occurred on July 8, 2003. When the officers conducted a field
interview with the individual, he stated his name was Harold Gregory with a DOB of
7/6/68 but that he didn't know his social security number. Upon further questioning

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the individual changed his story. The officers attempted to place the individual into handcuffs and he became combative. He was told repeatedly to stop resisting and he refused to stop. It took at least three officers to finally get the male in handcuffs. It was ascertained that his real name was Patrick Shorty. Officer Cottle received injuries in the fight with Shorty.

Detective McCoy interviewed Shorty about the rape that occurred on July 8, 2003. Shorty confirmed that he was with Thomas Leichty and another individual that he called Vincent. He stated that they had met a white female at the Bus Transit Center and that Leichty convinced her to go with them. He stated that they walked to a wooded area near 15th and Cordova. Shorty said that he was intoxicated from sharing a "5th and a half" with Leichty and Vincent. Shorty said he was suffering "blackouts" while walking to the woods. He stated that his next memory was that Leichty was on top of the girl having sex with her. Shorty stated that he "took off when he saw this and has been hiding from the police since." Shorty said that he did not remember if he had sex with the female and could not recall making any racial comments or hitting her.

BAIL INFORMATION

The defendant, PATRICK LEO SHORTY, has the following criminal convictions in the State of Alaska as shown in APSIN:

CONV COURT	CONV DATE	CONVICTING CHARGE	COURT DOCKET	POS ID	FEL	ATN
DAN	05/11/03	ASSAULT - USE RECKLESS FORCE OR VI	3AN-M03-4799	Y	N	108570879
DBE	04/10/03	CRIMINAL MISCHIEF 4	4BE-S02-1822	Y	N	107143029
DBE	04/10/03	ASSAULT 4- RECKLESSLY INJURE	4BE-S03-40	N	N	107155863
DBE	05/17/02	DWI	4BE-S02-345	Y	N	107153154
DBE	03/06/02	DISORD CONDUCT-CHALLENGE TO FIGHT	4BE-S02-301	Y	N	107168805
DBE	05/17/02	IMPORT ALCOHOL - DRY AREA - SMALL A	4BE-S02-536	N	N	107150031
DBE	05/17/02	VEHICLE THEFT 2	4BE-S02-98	N	N	107167131
DAN	10/04/99	ASSAULT	99-6848	N	N	102471372
SBE	09/11/95	ALCOHOL/MANUFACTURE	4BE-S95-1010	Y	Y	101232675
SBE	04/08/96	FURNISH LIQ TO MIN	4BE-S95-1010	Y	N	101232675
DBE	11/30/93	DWI - ALCOHOL	M9300260	Y	N	100188582
SBE	03/07/90	BURGLARY	89-907	Y	Y	
DBE	03/07/90	ASSAULT	89-907	Y	Y	
DBE	09/18/89	CRIMINAL TRESPASS	89-42	N	N	
DBE	05/03/89	MINOR/POSS/OR/CONSUM	89-12	N	N	

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DBE 03/10/89 MINOR/POSS/OR/CONSUM
DBE 07/15/88 MINOR/POSS/OR/CONSUM
DBE 03/01/88 MINOR/POSS/OR/CONSUM
DBE 03/10/88 CRIMINAL TRESPASS

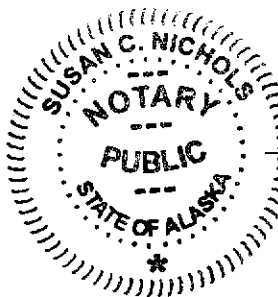
89-68 N N
88-469 N N
88-18 N N
87-828 N N

DATED this 27 day of July, 2003, at Anchorage, Alaska.

GREGG D. RENKES
ATTORNEY GENERAL

By: Sharon Marshall
Sharon Marshall
Assistant District Attorney
Alaska Bar No. 0211049

SUBSCRIBED AND SWORN to before me this 27 day of July, 2003,
at Anchorage, Alaska.



Susan C. Nichols
Notary Public in and for Alaska
My commission expires: 10/16/2003

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